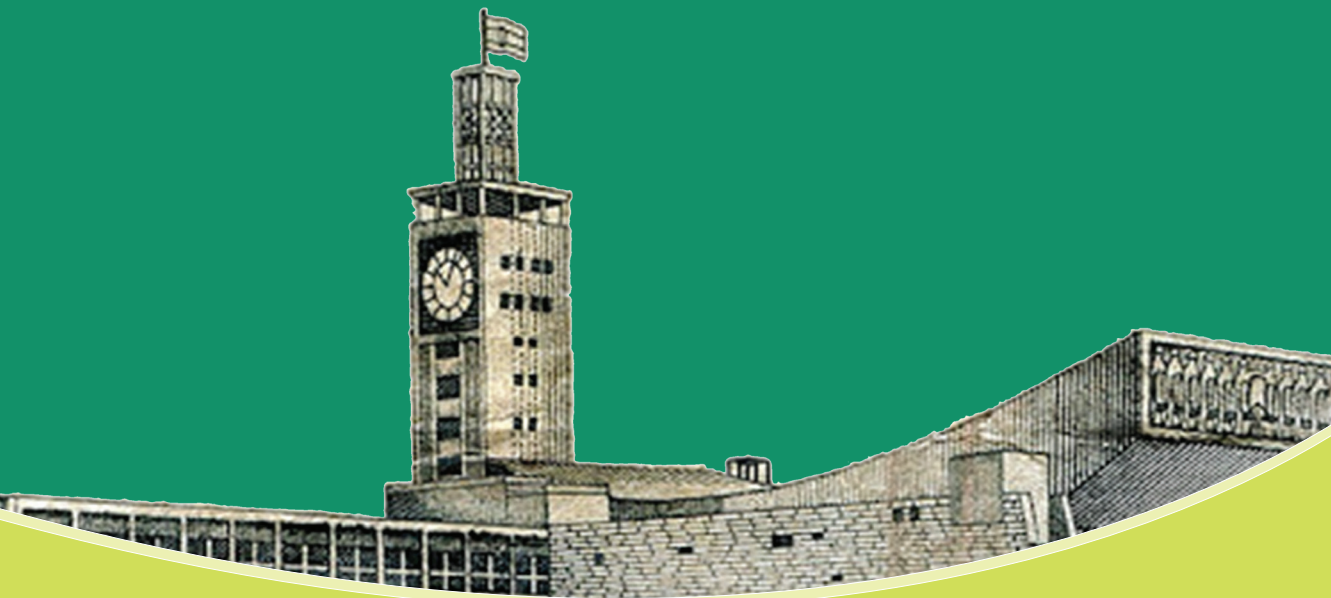




Parliament of Kenya

The National Assembly

Directorate of Legal Services



**Fact Sheet**  
No. 14



# Directorate of Legal Services

*FactSheet No.14*

## **Directorate of Legal Services**

*FactSheet 14: Directorate of Legal Services*

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This Factsheet on the **Directorate of Legal Services** is part of the Kenya National Assembly Factsheets Series that are supposed to enhance public understanding, awareness and knowledge of the work of the Assembly and its operations. It is intended to serve as easy guide for ready reference by Members of Parliament, staff and the general public. The information contained here is not exhaustive and readers are advised to refer to the original sources for further information.

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# FactSheet

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## Directorate of Legal Services

### Introduction

**T**he Directorate of Legal Services- National Assembly is an office in the National Assembly of Kenya under the Parliamentary Service Commission. It is composed of legal counsel who specialize in legislative drafting and offer legal services to the National Assembly to enable it fulfil its constitutional mandate of legislation, representation and oversight.

The Directorate is headed by the Director of Legal Services - National Assembly. The basic qualification for being a legal counsel at the National Assembly is a Bachelor of Laws Degree and admission to the Roll of Advocates. The legal counsel undergo specialised training in legislative drafting and parliamentary procedures and practice.

### VISION

To be the most efficient and professional provider of legal services in the public service.

### MISSION

Provision of efficient and quality legal services to the National Assembly to enable Parliament to effectively and efficiently fulfil its constitutional mandate of legislation, representation and oversight.

### HISTORY

Prior to May, 2007, the National Assembly under the unicameral constitutional

dispensation received legal services from the Office of the Attorney General. A Directorate as we have it now did not exist back then and legislative drafting services, legal advice and litigation and commercial matters were dealt with either by the Office of the Attorney General or through procurement of the services of external advocates. Accessing legal services from the office of the Attorney General was perceived as a subtle hindrance to the independence of the House. Under the doctrine of separation of powers the three arms of governments are supposed to perform different roles and act as checks and balances to each other.

Thus, in May 2007, one legal counsel was employed with a job designation of “Principal Legal Counsel” to offer legal services to the National Assembly from within the House itself. The Directorate initially was established as a department under the Directorate of Legislative and Procedure Services.

On 1<sup>st</sup> July, 2010, the office became a fully-fledged directorate. With the promulgation of the new Constitution which provides for two Houses of Parliament, the office was restructured by the Parliamentary Service Commission in 2012 to cater for this in terms of provision of legal services.

## **FUNCTIONS**

The Directorate is responsible for:

1. Providing legislative drafting services to Members of the National Assembly and Committees of the National Assembly in line with the strategic objective of the Parliamentary Service Commission of strengthening the capacity of Parliament to make laws.
2. Providing legal advice on legislative and other legal matters to the Speaker of the National Assembly, the Leader of the Majority Party in the National Assembly and the Clerk of the National Assembly in line with the Parliamentary Service Commission strategic objective of strengthening Parliamentary offices.
3. Drafting legislative proposals for the Members and Committees of the National Assembly pursuant to Standing Order 114(1) of the National Assembly Standing Orders.
4. Formulating drafting instructions for Members and Committees of the National Assembly seeking to introduce legislative proposals and Bills pursuant to Article 109(5) of the Constitution and Standing Order 114(1) of the National Assembly Standing Orders.
5. Drafting Bills in complex or specialized fields for the Members of the National Assembly pursuant to Article 109(5) of the Constitution.
6. Drafting Bills to amend the Constitution for the Committees of the National Assembly pursuant to Article 255 of the Constitution.
7. Drafting committee stage amendments to Bills for Members of the National Assembly pursuant To Standing Order 133(5) of the National Assembly



Standing Orders.

8. Attending the Chamber during Committee of the Whole House and drafting floor amendments pursuant to Standing Order 133(3) of the National Assembly Standing Orders.
9. Preparation of vellum copies of Bills for assent by the President pursuant to Article 115 of the Constitution.
10. Development of mediated version of Bills pursuant to Article 113 of the Constitution for approval by the National Assembly and the Senate.
11. Drafting subsidiary legislation on Acts that relate to the National Assembly and the Parliamentary Service Commission.
12. Submission of legislative proposals to the Parliamentary Budget office for money Bill certification pursuant to Article 114(2) of the Constitution and Standing Order 114 of the National Assembly Standing Orders.
13. Providing legal advice to the Speaker on the constitutionality and technical propriety of Bills for approval of publication pursuant to Standing Order 114(4).
14. Providing legal advice on the admissibility or technical propriety of Petitions submitted to the National Assembly pursuant to Articles 37 and 119 of the Constitution, the Petitions to Parliament (Procedure) Act and Standing Order 223 of the National Assembly Standing Orders.
15. Scrutinizing, preparing briefs and providing legal advice on statutory instruments presented to the Committee on Delegated Legislation and other Departmental Committees pursuant to Article 94(6) of the Constitution, the Statutory Instruments Act, 2013 and Standing Orders 118 and 210 of the National Assembly Standing Orders.
16. Providing general legal advice on matters before the Committees of the National Assembly.
17. Liaising with the Litigation and Compliance Directorate on matters concerning the National Assembly.

## **DEPARTMENTS**

To enhance efficiency and effectiveness in the delivery of legal services to the National Assembly and Parliament, the National Assembly Board of Management in 2016 resolved that the Directorate of Legal Services be comprised of the following three Departments-

1. Department of House Legal Services;
2. Department of Committees Legal Services;
3. Department of Internal Compliance Legal Services.

## **STAFF**

The Directorate is headed by the Director of Legal Services - National Assembly. It has twenty (20) legal counsel, two (2) legal clerks, two (2) secretaries and one (1) office assistant.

### **Contacts**

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